

## DETAILED ACTION

### *Response to Amendment*

1. The reply filed on 4/29/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): applicant appears to have inadvertently omitted election of the species presented in the restriction requirement, dated 10/29/2008. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. The requirement to restrict between Groups I and II, as stated in the restriction requirement, dated 10/29/2008, is withdrawn. Applicant is now only required to elect between the species presented in the restriction requirement, dated 10/29/2008. The requirement to elect between species is presented again below for applicant's convenience.

### *Election/Restrictions*

3. This application contains claims directed to the following patentably distinct species of the claimed invention:

- I. The embodiment of Fig. 4.

II. The embodiment of Fig. 6.

4. Upon election of invention I or II, the applicant is further required under 35 U.S.C. 121 to elect one of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- A. wherein the guide mechanism comprises **a gear** for engaging **a rack** attached to a bottom surface of the directing tray, the gear using the rotational movement of the motor to move the directing tray in the first direction (for example claim 25)
- B. wherein the guide mechanism comprises **two gears** spaced axially apart for engaging **two racks** attached to a bottom surface of the directing tray, the two gears using the rotational movement of the motor to move the directing tray in the first direction (for example claim 27)

5. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement (e.g., I and A), and a listing of all claims readable thereon, including any claims subsequently added. An

Art Unit: 2861

argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN SEO whose telephone number is (571)270-1327. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on 571-272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2861

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MATTHEW LUU/  
Supervisory Patent Examiner, Art  
Unit 2861

Justin Seo

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July 2, 2009